

## REMARKS

Claims 1, 3-11 and 13-20 are presently pending in the application. Claims 1, 3-6, 9, 11 and 13 have been amended and Claims 2, 12 and 21-26 have been canceled without prejudice. No new matter has been added and support for the amendments to the claims can be found in the specification and drawings. In view of the above amendments and arguments for patentability presented hereinbelow, Applicants respectfully submit that the application is now in condition for allowance.

### *Claim Rejections – 35 U.S.C. §112*

Pending claims 1 and 11 presently stand rejected under Section 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention in view of the original claim language “method for customizing the environment.” It is believed that the amendments to claims 1 and 11 set forth above overcome the outstanding 112 rejections.

### *Claim Rejections – 35 U.S.C. §103*

Pending claims 1, 3-11 and 13-20 presently stand rejected as being allegedly unpatentable under Section 103 over Candelore U.S. Publ. No. 2002/0073331A1 (“Candelore”). Applicants traverse this rejection and respectfully submit that Candelore fails to disclose or suggest the claimed invention.

As described in the specification, aspects of the present invention provide:

an environment customization system that customizes one or more environments, based on a user’s (or any other object’s) location. For example, when the user is traveling and checks into a hotel, the user’s location determined by a Global Positioning System (GPS) device, for example, may be transmitted to a network. The network may then customize an environment to be engaged by the user, such as the television service in the user’s hotel room (e.g., set the hotel TV to the user’s “home base” cable TV channels), the user’s call forwarding service (e.g., forward calls to the user’s hotel room telephone), and the temperature of the hotel room (e.g., set the hotel room temperature to be the same as the user’s home, or a traveling temperature pre-specified by the user), provided that these devices are controllable from a central control device capable of accepting customization commands.

Specification at page 22, line 24-page 23, line 4.

In this regard, representative claim 1, as amended, calls for a method for customizing one or more devices based on a location of a user, comprising:

*receiving, over a network, user identification and location information for the user;*

*extracting a current location from the location information;*

*retrieving a profile for the user, the profile including customization information for a list of customizable devices for the user at a plurality of locations including the current location; and*

*communicating over the network with one or more of the customizable devices at the current location to customize the one or more customizable devices based on the customization information in the user's profile for the current location of the user.*

Claim 1 as amended (emphasis added).

Candelore discloses a “personal service device” (PSD) that interacts with a user device in the form of a “personal transaction device” (PTD). In the illustrative embodiment, the PSD is a set top box 120 and the PTD is a portable consumer device for assisting with providing goods and services to the user. See ¶¶[0016] and [0017]. As further described in Candelore:

As shown in FIG. 1, the PSD 120 periodically seeks for user devices within a scanning range of the PSD 120 using a device locator signal. If a user device 130 is present, it sends an identification signal containing a device identifier (DI) to PSD 120 in response to the device locator signal. If the PSD 120 recognizes the DI, it has already received the user information from a previous seek. If the PSD 120 does not recognize the user device, the user device is considered “newly discovered” and is queried to obtain user information to personalize services provided through the PSD 120. The PSD 120 may recognize a DI using a list of previously discovered DIs stored in memory. The DI may provide no apparent identification of the user of the user device to preserve the privacy of the user. In an alternate embodiment, the PSD 120 queries all user devices within range without attempting to recognize them. In still another embodiment, the user device 130 signals its presence to the PSD 120 by sending the DI without receiving a device locator signal.

Candelore at ¶[0019].

Thus, Candelore discloses a first device (PSD 120) which interacts with a second device (user device 130) when the first device is physically brought within a “scanning” range of the

second device. As described in Candelore, “[c]ommunication between the user device 130 and the PSD 120 take place over a wireless communication link 125 which may be RF, infrared, Bluetooth, or other suitable technology.” See ¶[0018]. The user can then obtain customized services from the PSD 120 in response to information stored on user device 130. Applicants submit that this is inapposite to the claimed invention.

As set forth in representative claim 1, *upon receiving location and identification information for a user over a network*, at least one user device *at the user’s current location* is customized based on customization information in a user profile. The user profile includes customization information for a plurality of customizable devices at a plurality of locations. Candelore does not customize a device in response to receiving a user’s location information. The user in Candelore must physically carry or possess a device 130 that stores his or her preferences. Since the user device 130 is brought within “scanning range” of the PSD 120, the actual location of the user is never ascertained, nor is it relevant.

By way of contrast, in accordance with aspects of the present invention, the location of the user is received over a network (using any one of a variety of methods, i.e., GPS transceiver, cell phone triangulation, and the like) and based on a profile for the user *and the current location of the user*, various devices *that are connected to the network* may be customized based on customization information for these devices at various locations that is contained in the profile. In this regard, claim 1 includes the steps of *receiving, over a network*, user identification and location information for the user” and “retrieving a profile for the user, the profile including customization information for a plurality of customizable devices for the user at a plurality of locations *including the current location*.” Candelore does not teach or suggest customizing devices based on a user profile that contains customization information *for a current location for the user*. Neither does Candelore teach or suggest the step of “communicating *over the network* with one or more of the customizable devices at the current location to customize the one or more customizable devices based on the customization information in the user’s profile for the current location of the user.”

In view of the above, it is respectfully submitted that independent claim 1 (and independent claim 11, which contains similar limitations) is patentable over Candelore. It is further believed that the claims which ultimately depend from claims 1 and 11 are patentable for at least the same reasons.

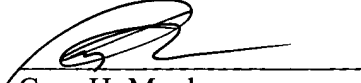
*Conclusion*

In view of the above, Applicants submit that claims 1, 3-11 and 13-20 are now in condition for allowance. Reconsideration of the rejections is requested and allowance of these claims at an early date is solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to AT&T Corp. Account No. 01-2745. The Examiner is invited to contact the undersigned at (908) 707-1573 to discuss any matter concerning this application.

Respectfully submitted,  
Jennifer H. Chen, et al.  
By:

Date: 3/6/07

  
Gary H. Monka  
Registration No. 35,290  
Attorney for Applicants

Canavan & Monka, LLC.  
250 State Route 28, Suite 207  
Bridgewater, New Jersey 08807  
(908) 707-1573